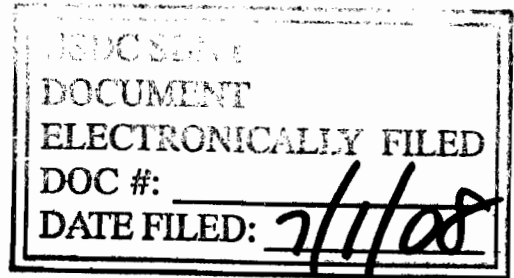


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June 24, 2008

BY FAX: 212-805-0436

Gerard E. Lynch  
United States District Court Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 910  
New York, NY 10007

**Re: Steven Alfano v. INA Life Insurance Company of New York, 07 civ 9661**

Dear Judge Lynch:

I represent the Plaintiff in the above referenced action. The case management plan states that dispositive motions are to be served and filed by July 25, 2008. However, along with dispositive motions, the issue of the applicable standard of review also needs to be briefed. At the February 29, 2008 preliminary conference, you stated that you preferred to have one set of papers that would encompass both issues.

I have started drafting Plaintiff's memorandum of law regarding the standard of review and summary judgment. In these cases, courts often require that the issue of the applicable standard review be briefed and decided prior to the submission of summary judgment motions. Presenting Plaintiff's position on both issues satisfactorily will require me to exceed the Court's 25 page limit, which is to be expected considering that it is essentially an attempt to condense two 25 page briefs into one. Consequently, I respectfully request permission to submit a memorandum of law up to 40 pages. } \*

At the preliminary conference, you asked Emily Hayes, counsel for Defendants, if they were prepared to concede that the applicable standard of review was *de novo*. Almost four months have elapsed, yet I still have not received Defendants' answer. If Defendants agree that a *de novo* standard of review applies, then I would only request permission to submit a 30 page summary judgment brief, which is needed because the administrative record that Defendants produced is nearly 1,000 pages.

Very truly yours,

LAW OFFICES OF JEFFREY DELOTT

By: **Jeffrey Delott**  
Jeffrey Delott, Esq.

Digitally signed by Jeffrey Delott  
DN: cn=Jeffrey Delott, o=Law Offices of Jeffrey Delott,  
email=jefdelott@wantmydisability.com, c=US  
Date: 2008.06.24 08:42:54 -04'00'

\*SO ORDERED

  
GERARD E. LYNCH, U.S.D.J.

7/1/08